

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONTINENTAL D.I.A. DIAMOND  
PRODUCTS, INC.,

Plaintiff / Counter-defendant,

v.

DONG YOUNG DIAMOND INDUSTRIAL  
CO., LTD., DONGSOO LEE, and DOES 1-10,  
inclusive,

Defendants / Counter-claimants.

No. C 08-02136 SI

**ORDER GRANTING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY  
RESPONSES and DENYING  
PLAINTIFF'S MOTION FOR  
SANCTIONS**

On August 3, 2009, plaintiff Continental D.I.A. Diamond Products, Inc. filed two letter briefs seeking the Court's intervention in a discovery dispute. Plaintiff also filed a motion for sanctions. The Court will consider each request in turn.

**1. Motion to Compel Production of Documents in Response to Second Set of Requests for Production [Docket No. 117]**

On July 17, 2009, the Court issued an order granting plaintiff's motion to compel defendants to produce documents in response to plaintiff's second set of requests for production. *See* Docket No. 114. As defendants did not file an opposition to plaintiff's original discovery motion, the Court granted plaintiff's request in its entirety.

Plaintiff has now filed an additional letter brief stating that defendants have failed to respond fully to the Court's July 17 order. Plaintiff seeks another order compelling defendants to respond to its

1 second set of requests for production.<sup>1</sup> Defendants state that they produced documents responsive to  
2 these requests on August 5, 2009, two days after plaintiff filed the instant motion. In a supplemental  
3 letter brief, plaintiff describes this additional discovery as deficient. *See* Docket No. 130.

4 The Court orders defendants to file a declaration providing the following information for each  
5 of plaintiff's requests (Nos. 29-35 and 38-54): (1) whether defendants have produced all documents in  
6 their possession responsive to the request and (2) what measures they took to locate responsive  
7 documents. Defendants shall file the declaration by **August 24, 2009.**

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9 **2. Motion to Compel Responses to First Set of Interrogatories [Docket No. 118]**

10 In its July 17 order, the Court also granted plaintiff's motion to compel defendants to respond  
11 to plaintiff's first set of interrogatories. In the instant motion, plaintiff contends that defendants have  
12 still failed to provide complete responses.<sup>2</sup> Defendants again contend that they have already responded  
13 to these requests fully.

14 The Court orders defendants to file a declaration providing the following information for each  
15 of plaintiff's interrogatories (Nos. 1-2, 5-13): (1) whether defendants have responded fully to each  
16 interrogatory request and (2) what measures they took to identify the information requested by plaintiff.  
17 Defendants shall file the declaration by **August 24, 2009.**

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19 **3. Motion for Sanctions [Docket No. 119]**

20 Plaintiff requests that the Court impose sanctions amounting to \$16,400 on defendants for their  
21 purported refusal to comply with the Court's July 17 order. Plaintiff also seek trial sanctions precluding  
22 defendants from presenting various categories of evidence at trial. The Court finds that under all of the  
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24 <sup>1</sup> The requests at issue are Document Requests 29-54, propounded as plaintiff's second set of  
25 requests for production. *See* Docket No. 102, ex. C. Requests 36 and 37 seek documents supporting  
26 defendants' counterclaims for interference with prospective economic advantage and commercial  
defamation. Defendants voluntarily dismissed these counterclaims on August 10, 2009. *See* Docket  
No. 133. Plaintiff has withdrawn its motion as to requests 36 and 37. *See* Docket No. 130.

27 <sup>2</sup> The interrogatories at issue are Interrogatories Nos. 1-13, propounded as plaintiff's first set  
28 of interrogatories. *See* Docket No. 123, ex. 1. Plaintiff has withdrawn its request regarding  
Interrogatories 3 and 4 as they pertain to defendants' now dismissed counterclaims.

1 circumstances of this case, including the difficulty of translating documents from Korean, sanctions are  
2 not warranted at this time. Accordingly, plaintiff's request for sanctions is DENIED.

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4 **IT IS SO ORDERED.**

5  
6 Dated: August 17, 2009

  
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SUSAN ILLSTON  
United States District Judge